

# Exhibit E

3029282-WSH/DPW

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KEVIN AND BETINA JOHNSON,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:15-cv-10935
	)	
WELLS FARGO BANK, N.A.;	)	
SERVICELINK, LLC; SERVICELINK	)	Honorable Virginia M. Kendall
FIELD SERVICES, LLC; TRUASSETS,	)	
LLC; UNITEC PROPERTY	)	
PROFESSIONALS; and WILLIAM	)	
BURCH;	)	
	)	
Defendants.	)	

**DEFENDANTS SERVICELINK, LLC'S AND SERVICELINK FIELD SERVICES,  
LLC'S RESPONSES TO PLAINTIFFS' FIRST REQUESTS TO PRODUCE**

NOW COME the Defendants, ServiceLink, LLC and ServiceLink Field Services, LLC (collectively, the "ServiceLink Defendants"), by and through their attorneys, SMITHAMUNDSEN LLC, and for their Responses to Plaintiffs Kevin and Betina Johnson's First Requests to Produce, state as follows:

**PREFATORY STATEMENT, GENERAL RESPONSE AND OBJECTIONS**

Defendants, by and through their attorneys, object to Plaintiffs' First Request for Production to the extent that it imposes upon Defendants any duties not specifically set forth in the Federal Rules of Civil Procedure ("FRCP") and the Local Rules of the Northern District of Illinois. Defendants further object to any request that attempts to discover information protected by a recognized privilege, including but not limited to the attorney-client privilege and work product doctrine.

Defendants' investigation of the facts surrounding the alleged incident remains ongoing. As such, Defendants' Responses are offered without prejudice to their right to rely on or produce facts, documents or other evidence that may later be discovered or identified as a result of Defendants' ongoing investigation. Pursuant to FRCP 26(e), Defendants and their counsel reserve their right to supplement, modify or amend any of Defendants' Responses as they become aware of additional information.

## RESPONSES

1. All communications related to Johnson, the subject loan account, or the subject property for the relevant time period.

**Response:** See ServiceLink000001 – 000521.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

2. All documents, business records, or images stored and maintained in your mortgage file documents storage system, primary computer system, servicing system, computer programs, or mortgage servicing platform that are related to Johnson, the subject loan account, or the subject property for the relevant time period.

**Response:** See ServiceLink000001 – 000521.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

3. All communications, documents, and business records related to Johnson, the subject loan account, or the subject property that are maintained by any third-party vendor, including any vendors utilized by ServiceLink, and any default services provider, for the relevant time period.

**Response:** Objection. This request seeks certain communications, documents and business records that are maintained by third-party vendors and service providers and that are not within Defendants' "possession, custody or control" pursuant to FRCP 34.<sup>1</sup> All responsive documents known to Defendants at this time have been produced at ServiceLink000001 – 000521.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

4. All documents that you sent to or received from Johnson and all of your communications with Johnson during the relevant time period related to the subject loan account or subject property.

**Response:** None at this time.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

5. All documents and communications between you and Wells Fargo, TruAssets, Unitec, or Burch related to Johnson, the subject loan account, or the subject property for the relevant time period.

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<sup>1</sup> See *Chaveriat v. Williams Pipe Line Co.*, 11 F.3d 1420, 1426-27 (7th Cir. 1993) (finding that a party did not have custody or control pursuant to Rule 34 because they "could not order [a subcontractor] to surrender" the requested documents, and, "the fact that a party could obtain a document if it tried hard enough and maybe if it didn't try hard at all does not mean that the document is in its possession, custody, or control; in fact it means the opposite").

**Response:** See ServiceLink000006 – 000028, 000058 – 000093, 000097 – 000114, 000116 – 000133, 000135 – 000138, 000197 – 000283, 000304 – 000315, 000319 – 000338, 000489 – 000521.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

6. All documents and communications related to the foreclosure case that are either a part of ServiceLink's records or accessible by ServiceLink through any servicing platform, computer software program, default servicer, or third party vendor for the relevant time period.

**Response:** Objection. This request seeks certain documents and communications that are not within Defendants' "possession, custody or control" pursuant to FRCP 34. Subject to and without waiving any objections, none at this time.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

7. All documents that would support or undermine (a) any of ServiceLink's denials to the allegations in Johnson's complaint, and (b) any of ServiceLink's affirmative defenses that have been raised or will be raised. This includes, but is not limited to, any policies and procedures or related documents that would support a bona fide error defense, or a defense theory claiming inadvertence or a good faith mistake or error applicable to any of the claims made during the relevant time period.

**Response:** See ServiceLink000001 – 000521.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

8. All documents, manuals, protocols, guidelines, policies and procedures, directives, or training materials that govern ServiceLink's (or ServiceLink's employees') procedures and conduct related to property preservation during the relevant time period. This includes any of ServiceLink's internal guidelines and procedures and any mandated guidelines and procedures including, but not limited to, Fannie Mae or Freddie Mac guidelines.

**Response:** The individuals who physically performed property preservation services on the subject property were not employees of the ServiceLink Defendants. Notwithstanding, see "Property Preservation Work Orders" produced at ServiceLink000049 – 000054, 000489 – 000520, and the "Trade Vendor Agreement" produced at ServiceLink000060 – 000078, 000320 – 000338.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

9. All documents, manuals, protocols, guidelines, policies and procedures, directives, or training materials that govern ServiceLink's (or ServiceLink's employees') procedures and conduct related to determining vacancy of a property, ordering property

preservation or winterization services for a property for the relevant time period. This includes any of ServiceLink's internal guidelines and procedures and any mandated guidelines and procedures including, but not limited to, Fannie Mae or Freddie Mac guidelines.

**Response:** The individuals who physically inspected the subject property were not employees of the ServiceLink Defendants. Notwithstanding, see "Property Preservation Work Orders" produced at ServiceLink000049 – 0000054, 000489 – 000520, and the "Trade Vendor Agreement" produced at ServiceLink000060 – 000078, 000320 – 000338.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

10. All training materials provided to ServiceLink employees to implement ServiceLink's policies and procedures for determining that any residential property is vacant, in need of property preservation services or in need of winterization services for the relevant time period.

**Response:** The individuals who physically inspected the subject property were not employees of the ServiceLink Defendants. Notwithstanding, see "Property Preservation Work Orders" produced at ServiceLink000049 – 0000054, 000489 – 000520, and the "Trade Vendor Agreement" produced at ServiceLink000060 – 000078, 000320 – 000338.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

11. All checklists, photographs, or other documentation supporting your determination that the subject property was abandoned residential property.

**Response:** The individuals who physically inspected the subject property were not employees of the ServiceLink Defendants. Notwithstanding, see ServiceLink000003, 000118, 000163 – 000165, 000169 – 000235, 000238 – 000290, 000316, 000318, 000319, 000339 – 000351, 000360 – 000488.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

12. All notices that you sent to Johnson that relate to vacant or abandoned property.

**Response:** The individuals who physically inspected and posted notifications at the subject property were not employees of the ServiceLink Defendants. Notwithstanding, see ServiceLink000079 – 000080, 000084 – 000085, 000165 – 000166, 000184, 000190, 000299 – 000302, 000143 – 146, 000149 – 000150, 000163 – 000165, 000166 – 000177, 000182, 000186, 000190, 000203, 000302, 000362, 000521.

Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

13. All photographs of the subject property in ServiceLink's possession or that are accessible to ServiceLink through any system or platform.

**Response:** See ServiceLink000079 – 000080, 000084 – 000085, 000101 – 000114, 000139 – 000196, 000347 – 000488

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

14. All photographs of the subject property and documentation in ServiceLink's possession or accessible to ServiceLink through any system or platform showing:

- a. construction at the subject property that was initiated and discontinued prior to completion, leaving the subject property unsuitable for occupancy;
- b. multiple windows boarded up, smashed through, broken off, or unhinged, or multiple window panes broken and unrepaired at the subject property.
- c. door on the subject property smashed through, broken off, unhinged, or continuously locked.
- d. the subject property had been stripped of copper or other materials, or interior fixtures to the subject property had been removed;
- e. gas, electrical, or water services to the entire subject property had been terminated;
- f. one or more written statements of Johnson or someone representing Johnson including documents of conveyance, indicating Johnson's clear intent to abandon the property;
- g. law enforcement officials reported trespassing or vandalism or other illegal acts committed at the subject property from October 2014 through May 2015;
- h. the subject property had been declared unfit for occupancy and ordered to remain vacant and unoccupied under an order issued by a municipal or county authority, or by court order;
- i. the local law enforcement, fire, or code enforcement authority requested Johnson or another authorized party to secure or winterize the subject property due to the local authority declaring the property to be an imminent danger to the health, safety, and welfare of the public;
- j. the subject property was open and unprotected and in reasonable danger of significant damage due to exposure to the elements, vandalism, or freezing; and
- k. other evidence indicating Johnson's clear intent to abandon the property.

**Response:** See ServiceLink000003, 000118, 000163 – 000165, 000169 – 000235, 000238 – 000290, 000316, 000318, 000319, 000339 – 000351, 000360 – 000488, 000521.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

15. All work orders, bids, or invoices in ServiceLink's possession or that are accessible to ServiceLink through any system or platform related the subject loan account or subject property for the relevant time period.

**Response:** See ServiceLink000001 – 000005; 000049 – 000054, 000341 – 000346; 000489 – 000521.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

16. All invoices, bills or statements received by or issued by ServiceLink that relate to property preservation or winterization services performed at the subject property for the relevant time period.

**Response:** See ServiceLink000001 – 000005; 000049 – 000054, 000341 – 000346, 000489 – 000520.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

17. All supplier profiles submitted to ServiceLink from Wells Fargo, TruAssets, Unitec, Burch or any other party related to property preservation or winterization of the subject property for the relevant time period.

**Response:** Defendants are currently investigating and gathering responsive documents in good faith and will timely supplement this response and Defendants' production pursuant to FRCP 26(e).

18. All certifications submitted to ServiceLink by Wells Fargo, TruAssets, Unitec, Burch or any other party related to property preservation or winterization of the subject property for the relevant time period.

**Response:** See ServiceLink000058 – 000059, 000314 – 000315.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

19. All contracts and agreements that ServiceLink has with Wells Fargo, TruAssets, Unitec, Burch, or any other party related to property preservation or winterization of the subject property for the relevant time period.

**Response:** See ServiceLink000049 – 000054, 000060– 000078, 000320 – 000338, 000489 – 000520.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

20. All of ServiceLink's employee, vendor, or subcontractor records or agreements with Wells Fargo, TruAssets, Unitec, and Burch for the relevant time period.

**Response:** See ServiceLink000060 – 000078, 000058 – 000059, 000314 – 000315, 000320 – 000338, 000049 – 000054, 000341 – 000346, 000489 – 000520.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

21. All field services manuals, protocols, policies and procedures, or training manuals related to property preservation during the relevant time period.

**Response: Defendants are currently investigating and gathering responsive documents in good faith and will timely supplement this response and Defendants' production pursuant to FRCP 26(e).**

22. Any licenses or applications completed by you or issued to you under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 (225 ILCS 447) for the relevant time period.

**Response: Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

23. All of your business record, e-mail, and phone call recording retention policies in place during the relevant time period.

**Response: Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

24. Any documentation describing the call recording and reporting procedures for ServiceLink's internal and external phone calls.

**Response: Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

25. To the extent not otherwise produced in response to the above requests, please produce the following documents, communications, and business records from the relevant time period that are related to the subject loan account, Johnson, the subject property, or property preservation at the subject property:

- a. ServiceLink's call history, call notes, and recordings of phone calls;
- b. All documents, correspondences, and notices sent to Johnson or posted in some fashion at the subject property;
- c. Any bills or invoices for any professional services performed, property inspections, property preservation services, broker price opinions, appraisal fees, monitoring fees, corporate advances, or other similar services;
- d. All hazard insurance or force-placed insurance documents for the subject property, including copies of all certificates, binders, and bills or receipts;
- e. All of ServiceLink's internal emails and communications related to Johnson, the subject loan account, or the subject property;
- f. All of ServiceLink's external emails and communications with Johnson, Wells Fargo, TruAssets, Unitec, Burch, any investor of the subject loan, any third-party vendor, or any other party;
- g. All notes logs and comment log maintained in ServiceLink's internal software, system of record, or maintained by a third-party vendor or



- default service provider that document activity related to the subject loan account or subject property;
- h. An inventory of images maintained under Johnson's name or the subject property that includes all of the images in the inventory and any applicable index of those images identified by image number;
  - i. All of ServiceLink's insurance policies; and
  - j. All documents identified or referred to in your Rule 26(a)(1) disclosures in this lawsuit or any amended Rule 26(a)(1) disclosures.

**Response:** See ServiceLink000001 – 0000521.

**Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).**

26. Any and all policies and procedures for managing and retaining electronic information, including:

- a. Individuals and/or departments (i.e. administrative, human resources, collections, etc.) with access to the data;
- b. User permissions for accessing, modifying, and deleting data;
- c. Utilization of data deletion programs; and
- d. Schedule for archiving data.

**Response:** Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

27. Any and all documents related to ServiceLink's servers or computers that serve as a central repository of information during the relevant time period, including the:

- a. Physical location of each system (i.e. data centers);
- b. Operating systems and versions of each system;
- c. Business purpose of each system (e.g. web-server, accounting system, fileserver, etc.);
- d. Critical applications running on each system, and the versions of each; and
- e. Critical databases or information stores found on each system.

**Response:** Investigation continues and Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

28. All documents that relate to ServiceLink's current net worth, financial status, and profits covering the last 18 months, including but not limited to any documents reported to and filed with the Securities and Exchange Commission (SEC).

**Response:** Objection. This request is not relevant or material to any party's claim or defense and is untimely at this stage of the litigation.

29. Copies of consumer lawsuits, complaints, administrative orders, consent orders, CFPB complaints, and judgments where ServiceLink was sued, a named defendant, or in some way complained of in relation to (a) property preservation, (b) the entry into a home to secure the premises or winterize the premises from the beginning of the relevant time period through

the date of the filing of this action, or (c) in relation to changing locks at residential properties or real estate.

**Response:** Objection. Subparts (a) and (c) of this request are overbroad, not limited in time or scope, and seek information outside the provisions of FRCP 26(b)(1). Subject to and without waiving these objections, Defendants respond to every subpart of this request under the temporal limitations provided in subpart (b). Defendants have conducted a search on Pacer's National Database for all lawsuits filed between August 1, 2012 and December 4, 2015 in which ServiceLink, LLC and/or ServiceLink Field Services, LLC were named parties. The Pacer result page for each ServiceLink Defendant is attached hereto as Group Exhibit A.

Defendants are currently investigating and gathering responsive documents in good faith and will timely supplement this response and Defendants' production pursuant to FRCP 26(e).

30. Copies of consumer lawsuits, complaints, administrative orders, consent orders, CFPB complaints, and judgments where ServiceLink was sued, a named defendant, or in some way complained of where the allegations included any of the following allegations: trespass, theft of personal property, vandalism, negligent, willful, wanton or intentional conduct related to the taking away of consumer property, or damage to a consumer's home, wrongful eviction, improper eviction, lockout or wrongful lockout of a consumer(s) from their home or constructive foreclosure or wrongful foreclosure related to changing the locks on any consumer residence or any claim of unfair, deceptive, or fraudulent business practices related to the provision of property preservation or winterization services at any time from the beginning of the relevant time period through the date of the filing of this action.

**Response:** Defendants have conducted a search on Pacer's National Database for all lawsuits filed between August 1, 2012 and December 4, 2015 in which ServiceLink, LLC and/or ServiceLink Field Services, LLC were named parties. The Pacer result page for each ServiceLink Defendant is attached hereto as Group Exhibit A.

Defendants are currently investigating and gathering responsive documents in good faith and will timely supplement this response and Defendants' production pursuant to FRCP 26(e).

31. All documents and records that were used or reviewed by ServiceLink for purposes of answering the complaint or any amended complaint, asserting affirmative defenses, responding to any written discovery propounded by Johnson, designating a Rule 30(b)(6) witness(es), preparing for a Rule 30(b)(6) deposition, or executing any affidavit in this case.

**Response:** See ServiceLink000001 – 000521.

Defendants reserve their right to supplement this response pursuant to FRCP 26(e).

Dated: November 14, 2016

SERVICELINK, LLC AND  
SERVICELINK FIELD SERVICES, LLC

By: /s/ William S. Hackney  
One of their Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 14th day of November, 2016, I served the foregoing document via email to the attorneys of record listed below.

- **Joseph Michael Snapper**  
[jsnapper@mayerbrown.com](mailto:jsnapper@mayerbrown.com)
- **Ross Michael Zambon**  
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By: /s/ William S. Hackney